

Chapter 10

BUILDINGS AND NEIGHBORHOOD PROTECTION*

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ARTICLE I. IN GENERAL

Sec. 10-1. Construction Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or affect the validity of the Construction Code. The Con-

struction Code is published as a separate code. The Construction Code, as amended, is hereby continued in full force and effect to the same extent as if set out in full herein, save and except any provisions which may be in conflict with any provision of this Code.

*Cross references—Convention and entertainment facilities, Ch. 12; discrimination in housing, § 17-11 et seq.; flood-prone areas, Ch. 19; piers at Lake Houston, § 23-31 et seq.; dredging or excavating at Lake Houston, § 23-136 et seq.; filling of certain building excavations, § 28-12; mobile homes and recreational vehicles, generally, Ch. 29; restricted hours for work on buildings, § 30-17 et seq.; oil and gas wells, Ch. 31; erecting structures in parks, § 32-32; planning and development, Ch. 33; mixing mortar or cement on street, § 40-21; dropping window cleaner's tools on sidewalks, § 40-26; subdivisions, Chs. 41, 42; swimming pools, Ch. 43; water and sewers, Ch. 47.

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(b) The Construction Code was formerly known as the Building Code. Any reference in city ordinances, contracts, or other documents to the Building Code shall be construed to mean the document now known as the Construction Code, unless the reference is clearly intended by its context to mean that document called the City of Houston Building Code, which is now one of several documents that constitute the Construction Code. (Code 1968, § 10-1; Ord. No. 02-399, § 28, 5-15-02; Ord. No. 05-603, § 6, 5-11-05)

Sec. 10-2. Code compliance review.

The building official shall forward each application for the issuance or amendment of a building permit to the director of the department of planning and development or the director's designee to determine compliance with chapters 26, 33 and 42 of this Code and those provisions of the Construction Code that relate to driveways, sidewalks, parking lots, and alleys, if the scope of the work involves one or more of the following:

- (1) The construction of any new structure or building;
- (2) An addition to any structure or building;
- (3) A change in occupancy designation of a structure or building or portion thereof;
- (4) The construction of any driveway or curb cut;
- (5) The construction or expansion of any parking lot;
- (6) The construction of any fence over eight feet high;
- (7) The construction of any retaining wall; or
- (8) The construction of any masonry wall.

There is hereby imposed a fee of \$25.00 for the review under this section. The building official shall collect this fee from the applicant at the time of the issuance of the building permit or amendment. The fee shall not be refundable and shall be in addition to any other fee imposed by law. (Ord. No. 99-262, § 8, 3-24-99; Ord. No. 02-399, § 29, 5-15-02)

Sec. 10-3. Affidavit concerning deed restrictions on property—Prerequisite to issuance of building permit.

(a) No building permit shall be issued until an affidavit has been submitted to the building official stating that the construction, alteration or repair for which the building permit is sought, and the use to which the improvement or building is to be put, will not violate deed restrictions or restrictive covenants running with the land.

(b) The director is authorized to promulgate affidavit forms to use in the implementation of this section. Prior to the use of any affidavit form, the city attorney or his designee shall review and approve the affidavit form for legal sufficiency. The affidavit form shall be attached to the building permit application as a part thereof, and shall include but not be limited to, a description of the type of occupancy for which the building permit application is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.

(Code 1968, § 10-3; Ord. No. 71-2253, § 1, 12-3-71; Ord. No. 85-1180, § 1, 7-10-85; Ord. No. 88-1555, §§ 1, 2, 9-21-88; Ord. No. 90-635, § 21, 5-23-90; Ord. No. 94-1154, § 3, 10-26-94; Ord. No. 98-613, § 22, 8-5-98; Ord. No. 01-770, § 1, 8-15-01)

Sec. 10-3.1. Same—Prerequisite to issuance of certificate of occupancy or a life safety compliance certificate.

(a) No certificate of occupancy or life safety compliance certificate that is not required by a building permit application made in compliance with section 10-3 of this Code shall be issued by the building official except upon a written application including an affidavit that the building or structure for which the certificate is sought, and the use to which it will be put, will not violate the deed restrictions or restrictive covenants running with the land to which the property is subject as set forth in the affidavit.

(b) The director is authorized to promulgate affidavit forms to use in the implementation of this section. Prior to the use of any affidavit form pursuant to this section, the city attorney or his designee shall review the affidavit form for legal

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sufficiency and approve each affidavit form the city attorney or his designee, in his sole professional judgment, determines to be legally sufficient. The affidavit form shall be attached to the certificate of occupancy or life safety compliance certificate as a part thereof, and shall include but

not be limited to, a description of the type of occupancy for which the certificate of occupancy or life safety compliance certificate is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.

(Ord. No. 85-1530, § 1, 9-4-85; Ord. No. 90-635, § 22, 5-23-90; Ord. No. 94-1154, § 4, 10-26-94; Ord. No. 01-770, § 2, 8-15-01)

Sec. 10-4. Stop work orders.

Where construction or other work is being done contrary to the provisions of this Code, the Construction Code or the Fire Code, or is being done in an unsafe or dangerous manner, the building official may order the work stopped by notice in writing served on the person engaged in doing or causing the work to be done, and the person shall forthwith stop the work until authorized to recommence it by the building official.

(Code 1968, § 18-60; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 02-399, § 30, 5-15-02)

Sec. 10-5. Reserved.

Editor's note—Section 4 of Ord. No. 92-147, adopted Feb. 12, 1992, repealed § 10-5 in its entirety. Formerly, § 10-5 pertained to the securing of unoccupied buildings and derived from § 18-73 of the 1968 Code; § 1 of Ord. No. 78-243, adopted Feb. 14, 1978; § 2 of Ord. No. 86-57, adopted Jan. 21, 1986; § 3 of Ord. No. 89-1079, adopted July 12, 1989; § 23 of Ord. No. 90-635, adopted May 23, 1990; § 1 of Ord. No. 91-360, adopted Mar. 13, 1991; and §§ 5 and 6 of Ord. No. 91-1102, adopted July 31, 1991.

Sec. 10-6. Deposits of foam or spray from air conditioning equipment.

Any person who operates or permits to be operated, on property owned, leased or in his possession, control or management, any air conditioning equipment shall cause the said equipment to be operated and maintained in such a manner that no foam or water spray from such equipment blows onto or is otherwise deposited on any other person's property. Each day that such condition is allowed to continue after five

days' notice from the neighborhood protection official to correct such condition shall constitute a separate offense.

(Code 1968, § 28-17; Ord. No. 70-1720, § 1, 10-6-70; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 93-514, § 20, 5-5-93; Ord. No. 94-674, § 9, 7-6-94; Ord. No. 98-613, § 23, 8-5-98)

Sec. 10-7. Maintenance of premises liable to fire.

Any owner or occupant of any building or other structure or premises who shall keep or maintain the same when, for want of repair or by reason of age or dilapidated condition, or for any other cause, such building is especially liable to fire, and is so situated as to endanger buildings or property of others, or is especially liable to fire and is so occupied that fire would endanger other persons or other property therein, shall be guilty of a misdemeanor. Each day that such condition is allowed to continue after five days' notice by the fire marshal to correct such condition is hereby declared a separate offense.

(Code 1968, § 28-61; Ord. No. 69-756, §§ 1, 2, 4-30-69)

Sec. 10-8. Reserved.

Editor's note—Ord. No. 95-279, § 8, adopted Mar. 15, 1995, repealed former § 10-8, which pertained to the Fire Code.

Secs. 10-9—10-30. Reserved.

ARTICLE II. BUILDINGS ON UTILITY EASEMENTS

Sec. 10-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Actual notice.* Actual knowledge or such circumstances or conditions as would put a person of ordinary prudence on inquiry to determine the facts.

- (2) *Constructive notice.* Such information or facts as may be determined from instruments in writing placed of record in the office of the county clerk of the county.
(Code 1968, § 10-31)

Sec. 10-32. Permit to construct—Required.

It shall be unlawful for any person to build, erect, or construct, or cause to be built, erected or constructed any building, structure or edifice for any use or occupancy whatsoever in, upon, over or across any easement, or any part thereof, granted to the city for sanitary sewer, storm water, water main, or electric line conduit purposes, or a combination of same, or upon, over, or across any privately constructed sanitary sewer, storm sewer, water main, or electric line conduit managed, supervised, or controlled by the city or connected with the sanitary sewer system, storm sewer system, water main system or electric line conduit system of the city when such person has actual or constructive notice of such privately constructed sewers, mains, or conduits, without first procuring a written permit to do so from the utility official.

(Code 1968, § 10-32; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-33. Same—Application.

Application for a permit required by section 10-32 of this Code shall be addressed in writing to the utility official. The applicant shall set forth therein:

- (1) The true name and address of the person seeking the permit.
- (2) The name and address of the contractor employed to do the work, if any.
- (3) The nature of the building, structure or edifice proposed to be erected, including the type of construction proposed.
- (4) The use or occupancy to which such proposed building, structure or edifice is to be put.
- (5) The legal description and street address of the lot or tract of land upon which the building, structure or edifice is proposed to be built.

- (6) Whether or not such proposed building, structure or edifice, or any part thereof, will be in, upon, over or across any easement granted to the city for the purposes enumerated in section 10-32, or upon, over, or across any privately constructed sanitary sewer, storm sewer, water main, or electric line conduit of which the applicant has actual or constructive notice.

(Code 1968, § 10-33; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-34. Issuance and appeals.

(a) Upon receipt of an application for the permit required by section 10-32 of this Code, the utility official shall consider the impact of the use proposed by the applicant upon the present and probable future uses of the easement by the city, including but not limited to the city's need for ingress and egress to maintain and construct improvements within the easement and the potential risk of damage to the city's improvements. The permit shall be granted unless the utility official determines that the proposed use will materially interfere in some manner with the city's exercise and enjoyment of its easement rights.

(b) If the utility official refuses to grant such permit, the applicant may have such action reviewed by an appeal to the city council, in writing, within ten days after the decision of the utility official is published. The decision of the council shall be final.

(Code 1968, § 10-34; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-35. Permit to maintain when construction permit not obtained.

Should it be made to appear to the utility official, upon written application by any person, that a building, structure or other edifice has been constructed upon or across any sanitary sewer, storm sewer, water main or easement granted for the purpose of constructing and maintaining such utilities, and that such construction was done without the permit required by section 10-32 of this Code through inadvertence, mistake or ignorance of the existence of the sewer, water

line, or easement in question, the utility official is empowered to issue a permit to maintain such building, structure or edifice, provided that, upon investigation, the utility official is satisfied that a permit would have been granted in the initial instance prior to construction. Should the utility official refuse to issue the permit to maintain as herein provided, the applicant shall have the same right to appeal to the city council as provided in section 10-34 of this Code.

(Code 1968, § 10-35; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-36. Assumption of risks by builder.

Regardless of whether a permit has been issued therefor under this article, or not, any person who builds, erects, or constructs a building, structure, or edifice over any of the sewers, mains or lines enumerated in section 10-32 of this Code assumes all of the risks incident to such construction, and the city shall never be liable for any damage occasioned to any such building, structure, or edifice by reason of the granting of permission to build or construct the same, or because of the supervision, operation and maintenance of any sanitary sewer, storm sewer, water main, or electric line conduit, whether the same is in an easement granted to the city for that purpose or privately constructed.

(Code 1968, § 10-36; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-37. Tunneling to inspect or repair utility installations.

If, in the course of maintenance and supervision of any of the sewers, mains or conduits enumerated in section 10-32 of this Code over which a building, structure or edifice has been built or erected, it should become necessary to tunnel beneath or excavate through the floor or foundation of such building, structure or edifice for the purpose of making inspections or repairs, the person owning such building, structure or edifice, his successors or assigns, shall, regardless of whether a permit has been issued therefor under this article, or not, stand and bear all of the expense and damage occasioned to such building, structure or edifice by reason of such tunneling or excavation. In addition thereto, such person shall

likewise stand and bear the added cost incurred by the city in tunneling beneath or excavating through the floor or foundation of such building, structure or edifice for the purpose of making such inspections or repairs, the amount of which added cost is to be determined by the utility official, and such amount shall be paid promptly to the city.

(Code 1968, § 10-37; Ord. No. 90-635, § 24, 5-23-90)

Secs. 10-38—10-47. Reserved.

ARTICLE III. HOUSE MOVING

DIVISION 1. GENERALLY

Sec. 10-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *House*. Any building, structure or edifice.
- (2) *House moving*. The transportation of a house from place to place along or across any public street within the corporate limits of the city.
- (3) *Licensee*. A person licensed under this article to engage in the business of house moving.
- (4) *Street*. The term "street" shall mean any part of the street right-of-way, including the sidewalk area.

(Code 1968, § 10-48)

Sec. 10-49. Compliance with Construction Code; landowner's agreement; bond; certificate of compliance; move to house repair or resale lot.

(a) It shall be unlawful for any licensee to begin or complete the moving of any building onto any property in the city unless the permanent location and foundation of the building on the property complies in all respects with the Construction Code. No permit shall be issued to move

any building, and no building shall be moved onto any property in the city, unless the owner of the land upon which the building is to be moved has completed a landowner's agreement on a form approved by the building official and has delivered a cashier's check to the city pursuant to the requirements set out below, or has posted a bond signed by the owner as principal and by a good and sufficient corporate surety company licensed to do business in the state as surety, which bond shall be in a form approved by the building official.

The bond shall be in the sum of \$3,500.00 and shall provide and be conditioned that if the owner fails or refuses to timely perform any one or more of his obligations under the landowner's agreement, then the surety shall be liable for reimbursement of the costs incurred by the city for demolition of the building.

If a cashier's check is delivered to the city in lieu of the aforesaid surety bond, it shall be in the amount of \$3,500.00, issued by a bank that is insured by the Federal Deposit Insurance Corporation and made payable to the city. The cashier's check shall be for reimbursement of the costs incurred by the city for demolition of the building if the owner fails or refuses to timely perform one or more of his obligations under the landowner's agreement.

In the landowner's agreement the owner shall set out his full name, mailing address, the legal description and the street address of the property upon which the building is to be moved and the purpose for which the building will be used after it has been moved and repaired, specifying the purpose in sufficient detail so that the applicable Construction Code occupancy can be determined. The owner shall certify that the occupancy will not violate any valid and applicable deed restriction or covenant running with the land. The landowner shall covenant and agree in the landowner's agreement:

- (1) That application will be made for all necessary permits to bring the building into

compliance with the Construction Code within 30 calendar days after the building is moved onto the property.

- (2) That the building will be brought into compliance with all applicable Construction Code requirements for the designated occupancy within 150 calendar days, and that the issuance of any permit by the city shall not be construed to extend the time to repair the building beyond 150 calendar days after the building was moved onto the property.
- (3) That until such time as the building is permanently occupied the owner will ensure that the building will not be permitted to become or remain in such a condition that a person can enter into it without the use of force through unlocked doors or unsecured openings except at such times as the owner or any persons engaged in the repair of the building are in actual attendance on the property and that the owner of the property will ensure that the building does not become or remain a dangerous building as defined in section 10-361 of this Code.
- (4) The owner expressly understands and agrees that if he fails or refuses to timely perform any one or more of his obligations under the landowner's agreement, the city may demolish or cause the demolition of the building at the risk, expense and liability of the owner, and the owner agrees to pay the city all costs incurred by the city therefor.

The landowner's agreement shall be signed by each owner of the property onto which the building is to be moved.

(b) When the requirements of a landowner's agreement have been fully met and the building has been brought into compliance with all Construction Code requirements for the occupancy designated in the application for the house moving permit, the building official shall issue a certificate of compliance for the building upon the request of the landowner. If a bond has been posted to secure performance of the landowner's agreement, the surety company shall be relieved

of liability on the bond when a certificate of compliance is issued by the building official for the building that was the subject of the permit. If a cashier's check was delivered to the city pursuant to this section, the landowner may demand return of the cashier's check when a certificate of compliance is issued by the building official for the building that was the subject of the permit.

(c) Prior to demolition of any building pursuant to a landowner's agreement, the city shall provide the owners with notice and a hearing in the same manner as provided for in article IX of this chapter.

(d) This section shall not be applicable to the moving of a building to a "house repair or resale lot" which holds a current license issued by the city for that purpose. The term "house repair or resale lot" means a contiguous plot or tract of land which:

- (1) Has 15,000 square feet or more in area;
- (2) Is suitable for use for the repair and/or display of buildings which are to be subsequently moved to a permanent location after repair or resale; and
- (3) Is subject to such use without violation of any valid and applicable deed restrictions or covenants running with the land.

Further, this section shall not be applicable to portable school buildings moved onto the property of an independent school district.

(e) License for house repair or resale lot:

- (1) To obtain a license to operate a house repair or resale lot, an application shall be filed with the building official on a form designated by the city for that purpose. On such application, the applicant shall set forth:
 - a. The address of the site where the house repair or resale lot will be operated.
 - b. The legal description of the property on which the house repair or resale lot will be operated.

- c. The names and street addresses of each owner of the property on which the house repair or resale lot will be operated.
- d. The name and street address of the person who will operate the house repair or resale lot.
- e. Such other information as the director of public works and engineering finds will aid in the enforcement of this Code in regard to the house repair or resale lot.
- f. A statement that the proposed use of the property described in the application for use as a house repair or resale lot will not violate any restriction contained in or incorporated by reference in a recorded instrument affecting the land. Such an application shall be signed by each owner of the property.

- (2) The building official shall issue a license to the person who will operate the house repair or resale lot upon submission of an application pursuant to this section and payment of the license fee if, upon inspection, the building official finds that the house repair or resale lot meets the requirements of this section.
- (3) The fee for a license issued under this section shall be \$100.00.
- (4) A license issued under this section shall expire one year from the date of its issuance but may be renewed upon application therefor and payment of the annual renewal fee of \$100.00. An application for renewal shall be on a form designated by the city for that purpose and shall include such information as the director of public works and engineering determines is necessary to enforce this Code relating to house repair or resale lots.
- (5) A license issued to operate a house repair or resale lot shall be valid only for the property described in the application for

the license. Such a license shall also be personal to the licensee and shall not be transferable.

- (6) Each building situated on a house repair or resale lot shall be kept in such a condition that a person cannot enter it without the use of force through unlocked doors or unsecured openings except at such times as the licensee, his agents or employees, or any person engaged in the repair of the building are in actual attendance on the property.
- (7) No part of a building on a house repair or resale lot shall either be closer to any other building on such lot than six feet or be closer than three feet to any property line.
- (8) House repair or resale lot licenses shall be subject to revocation and suspension by the building official as provided in section 10-92 of this Code.

(Code 1968, § 10-49; Ord. No. 81-2515, § 1, 12-22-81; Ord. No. 82-870, § 1, 5-25-82; Ord. No. 90-635, § 25, 5-23-90; Ord. No. 93-514, § 21, 5-5-93; Ord. No. 93-1570, § 3, 12-8-93; Ord. No. 98-613, § 24, 8-5-98; Ord. No. 02-399, § 31, 5-15-02; Ord. No. 04-1015, §§ 10, 11, 9-27-04)

Sec. 10-50. Reserved.

Editor's note—Ord. No. 00-551, § 1, adopted June 21, 2000, repealed § 10-50 in its entirety. Formerly, said section pertained to moving concrete slab foundations and derived from Code 1968, § 10-50; Ord. No. 67-2030, § 1, 10-24-67; Ord. No. 72-499, § 1, 3-15-72. See the Code Comparative Table.

Sec. 10-51. Bond.

(a) In the event a house moving license is granted under division 2 of this article, before delivery thereof, the licensee shall file with the city a bond signed by the licensee as principal and by a good and sufficient corporate surety on the current approved United States treasury list, which bond shall be in the sum of \$10,000.00, conditioned that the licensee will engage in the business of house moving within the corporate limits of the city in strict accordance with the terms of this article, and will pay to the city any and all damages to streets, curbs, gutters, water lines, fire hydrants and other public property

occasioned in any manner by the licensee's moving of houses, and further conditioned that the licensee will pay to the city, as minimum liquidated damages, the sum of \$50.00 per day for each day or part thereof that any house being moved by the licensee shall remain on any street or part of street in excess of the number of days shown in the house moving permit issued to the licensee for such move. The bond shall contain a provision that the parties recognize that the damages to the city occasioned by any house remaining on any street or part of the street in excess of the number of days shown in the permit will, in all probability, be difficult to ascertain and consequently that the parties have agreed on such sum as the minimum amount of such damages. However, such bond shall contain the further provision that the amount agreed upon is the minimum amount of damages which the city will sustain in any event, but that the city shall not be prevented from claiming and proving any additional amount in excess of such minimum sum.

(b) Bonds provided for in this section shall not be exhausted until fully paid. Each such bond shall contain a provision that it shall not be exhausted until a recovery or recoveries have been obtained totaling the full amount of the bond.

(Code 1968, § 10-51; Ord. No. 72-500, § 1, 3-15-72)

Sec. 10-52. Insurance.

In addition to the requirements for a bond the holder of any category of house moving license shall be required to carry liability insurance in the minimum sum of \$50,000.00 for injury to or death of one person, and \$100,000.00 for injury to or death of more than one person from any one accident, and the minimum sum of \$25,000.00 for property damage for any one accident. Such policy shall contain a provision obligating the insurer to give written notice of cancellation, not less than ten days prior to the date of such cancellation, to the building official. No house moving permit will be issued to any house moving licensee unless such insurance is in full force and effect.

(Code 1968, § 10-52; Ord. No. 90-635, § 26, 5-23-90)

Sec. 10-53. Mover's equipment generally.

No house mover shall move or attempt to move
any house by means of any equipment whether

owned by him, or not, which has not first been registered with the city and inspected and a certificate of compliance obtained therefor pursuant to section 10-88 of this Code.

(Code 1968, § 10-53)

Sec. 10-54. Marking of mover's equipment.

All house moving equipment shall be plainly marked in letters not less than four inches in height, showing the name of the licensed house mover.

(Code 1968, § 10-54)

Sec. 10-55. Lights on load.

Amber or red lights at least four inches in diameter, with two units to each side on the back not less than three feet nor more than six feet from the ground, with one on each side in the center of the load, shall be required when a house is being moved. There shall be comparable lights of amber color across the front of the load and these lights shall be in operation at all times while the house is on the public street or right-of-way during the night or day.

(Code 1968, § 10-55)

Sec. 10-56. When barricades, warning lights, etc., required.

Barricades and warning lights or other equivalent danger warning devices shall be placed wherever any house being moved is stopped on any public street right-of-way for any period of time in excess of ten minutes.

(Code 1968, § 10-56)

Sec. 10-57. Authority to require additional safety equipment.

The building official is hereby authorized to specify required safety equipment to be employed while any house is being moved upon the public streets of the city, in addition to the equipment specified in this article.

(Code 1968, § 10-57; Ord. No. 90-635, § 27, 5-23-90)

Sec. 10-58. Establishment of time, routes, etc., for moving.

(a) The building official shall have authority to establish and direct, as a condition to the issuance of a permit under this article, the time when the house moving shall start and the time when it shall be completed, the routes over which houses of specified dimensions may be moved and such other regulations and conditions which he may deem necessary. Any deviation from such routes and hours shall constitute an offense. Decisions made by the building official pursuant to the provisions of this subsection shall be such that they result in the prevention of traffic obstruction and overloading of pavement weight capacity.

(b) When it is required by the provisions of this article that an inspector be present, the building official shall establish a time for the house to be moved upon the request of the licensee. Such request shall be made at least 24 hours prior to the moving time. The licensee may give notice of cancellation of such scheduled house moving, if such notice is given not less than 12 hours prior to the scheduled time of moving.

In the event that a scheduled house moving has not been completed within the time assigned, or if such scheduled house moving is cancelled by the licensee less than 12 hours prior to the assigned time, the licensee shall pay an additional fee of \$25.00 to the city as a condition precedent to the building official assigning another time for the moving of such house; provided, however, that no additional fee shall be paid to establish a new moving time if the noncompletion or cancellation has resulted from inclement weather.

(c) Route changes may be authorized by the building official. All concerned parties shall be notified immediately and prior to any deviation from the original announced route. Changes in time shall be made in the same way as changes in route.

(Code 1968, § 10-58; Ord. No. 90-635, § 27, 5-23-90)

Sec. 10-59. Maximum time limit.

No move authorized pursuant to this article shall last for a period of time in excess of 48 hours,

and the maximum time during which a house may legally remain in a street, under a permit issued pursuant to this article, shall be 48 hours. (Code 1968, § 10-59)

Sec. 10-60. Inspection of route prior to moving.

All routes over which a house is to be moved shall be physically inspected prior to each haul by the licensee and the house moving inspector and others concerned.

(Code 1968, § 10-60)

Sec. 10-61. Escort by off-duty police required.

Every licensee shall, before moving a house, engage at his own cost, the services of an off-duty police officer of the city as an escort for such move. Such police officer shall be selected from a roster prepared under the supervision of the chief of police, and the names on such roster shall be rotated; provided, however, such off-duty police officer shall not use city-owned vehicles or equipment while engaged in the service of such house mover. When the house to be moved exceeds 22 feet in width or 40 feet in length one additional off-duty police officer escort shall be required. It shall be unlawful to move a house of any dimension, when a permit therefor is required, without the required police escort.

(Code 1968, § 10-61; Ord. No. 72-499, § 2, 3-15-72)

Sec. 10-62. Secondary escort.

In circumstances where the contour of the road requires it, in the opinion of the building official, the licensee shall provide a secondary escort in a vehicle with a reflectorized sign reading: "DANGER, SLOW, BE PREPARED TO STOP" in red letters on a white background 20 inches wide and 12 inches high attached to the rear of such escorting vehicle and placed more than six feet above the ground. Such sign shall be carried 200 feet to 500 feet behind the house, depending upon the contour of the roadway; provided, however, the building official may authorize some other procedure in lieu of a secondary escort.

(Code 1968, § 10-62; Ord. No. 90-635, § 28, 5-23-90)

Sec. 10-63. When inspector required.

No house moving inspector will be required during the moving of a house upon the public streets of the city unless the building official determines that special circumstances exist which would make the presence of such an inspector necessary.

(Code 1968, § 10-63; Ord. No. 72-499, § 3, 3-15-72; Ord. No. 90-635, § 28, 5-23-90)

Sec. 10-64. Authority to stop moving and inspect equipment.

The police escort, or the house moving inspector if present, are hereby empowered to stop a house which is being moved at any time for the purpose of inspecting the rigging, trucks, and lighting in order to insure the safety of the move with a minimum of exposure to danger or damage to property.

(Code 1968, § 10-64; Ord. No. 72-499, § 4, 3-15-72)

Sec. 10-65. Continuous motion required in street.

During the entire time that a house being moved in occupying the street, or any portion thereof, the licensee shall make every reasonable effort to keep it continuously in motion toward its destination and, insofar as possible, he shall not allow the work of moving to stop during such time. This shall not be interpreted to encompass accidents, breakdowns for which the licensee has not been negligent, or acts of God which prevent continuous movement when the house moving is underway.

(Code 1968, § 10-66)

Sec. 10-66. Unattended houses on street.

No house being moved pursuant to this article shall be left unattended on any public street or right-of-way.

(Code 1968, § 10-67)

Sec. 10-67. Removal of house from street by city.

When a house has been left on a public street, or other public way or place, and, in the opinion of the building official, the house mover is not pro-

ceeding with all diligence, or without reasonable likelihood of success to move or cause the removal of the house from such location, the building official shall have authority to remove or cause the removal of such house, and all costs pertaining to such removal shall be paid by the licensee. (Code 1968, § 10-68; Ord. No. 90-635, § 29, 5-23-90)

Sec. 10-68. Disconnecting utilities.

It shall be unlawful for any licensee to disconnect any electric light and power connection, gas connection, water connection, sewer connection or telephone connection from any house which he proposes to move, without the consent of the public utility owning such connection. (Code 1968, § 10-69)

Sec. 10-69. Disconnection and plugging of sewer service line.

It shall be the duty of the licensee to cause to be disconnected outside of the property line and properly plugged by a licensed plumber, in such a manner as to prevent any surface water from entering same, the sewer service line connection of any house to be moved by such licensee prior to the issuance of a moving permit therefor and such licensee shall comply with all applicable provisions of ordinance relating to sewage, sewers and drains. (Code 1968, § 10-70; Ord. No. 72-499, § 6, 3-15-72)

Sec. 10-70. Removing or destroying poles or wires.

It shall be unlawful for any licensee to remove, tear down or destroy any pole or wire or other property belonging to the city or to any electric light and power company, gas company or telephone or telegraph company without the consent of such utility or other person owning the same. (Code 1968, § 10-71)

Sec. 10-71. Cutting down trees or branches.

It shall be unlawful for any licensee engaged in moving a house to cut down any tree growing within any parkway or esplanade of a public

street or to cut any branches therefrom without having first obtained permission from the director of parks and recreation. (Code 1968, § 10-72)

Sec. 10-72. Removal of equipment, cribbing and debris from vacated premises.

It shall be the duty of the licensee to remove all equipment, cribbing, and debris deposited or caused to be deposited on the land vacated by the moving of any house therefrom. (Code 1968, § 10-73)

Sec. 10-73. Removal of trash deposited on streets or other public property.

The licensee shall be required to remove at his expense all trash and debris which he has deposited or caused to be deposited in any public street or other public place or property at the time he is moving the house. (Code 1968, § 10-74)

Sec. 10-74. Notice of completion; repair of damage to public property.

(a) Whenever a licensee has completed the work of moving a house under a permit, and the house no longer occupies any part of the street, he shall promptly notify the building official of such fact. The building official shall cause an inspection to be made of the route of moving and the installation of the house. If he finds that the licensee has caused damage to the streets, curbs, gutters, sidewalks or other public property, he shall notify the licensee of such fact, specifying the damage, by mailing to him a written notification at either of the addresses listed in the licensee's application. The licensee shall proceed within two days from the date of such notification to begin the work of repairing the damage, which work shall be promptly done and completed under the supervision of and to the entire and complete satisfaction of the building official.

(b) In the event that the licensee fails to begin work within two days, or fails to continuously proceed therewith promptly and expeditiously, or fails to complete it to the entire and complete satisfaction of the building official, then the build-

ing official may promptly cause the damage to be repaired on behalf of the city. In such case, the building official shall make and execute a certificate, setting out the relevant facts pertaining to the transaction, and shall certify therein the amount of damage sustained by the city and shall file the certificate with the city controller. The licensee, by accepting the permit provided for in this article, does thereby constitute and appoint the building official as his agent and representative with full power and authority to bind the licensee and his surety to prepare and file such certificate. Upon the filing of the certificate, the amount stated therein shall be and become a sum, liquidated and certain, owing to the city by the licensee and the surety on his bond and, in any suit involving such sum, the facts recited in the certificate and the amount of damage certified therein shall in all things be presumed to be true and binding upon the licensee and his surety in the absence of clear, convincing and unmistakable proof that the building official has acted arbitrarily and without any evidence whatsoever of such facts.

(c) Notwithstanding the foregoing provisions, the city may, as an alternative, and at the city's option, make or cause to be made repairs to its property damaged by the licensee and the licensee shall be obligated to pay the city reasonable costs of such repairs.

(d) On the day following the moving of a house, the licensee shall furnish to the building official the names of the police officers who escorted the move. In the event the day following such move is a Saturday, Sunday or holiday, the licensee shall submit such information on the next regular business day. The licensee may satisfy this requirement by mailing such information to the building official on the day following such move. (Code 1968, § 10-75; Ord. No. 72-499, § 7, 3-15-72; Ord. No. 90-635, § 30, 5-23-90)

Sec. 10-75. Completion certificate.

When a house is moved pursuant to the provisions of this article, a move completion certificate shall be issued after the move has been completed and all inspections have been made and approval has been given by the building official. The move

completion certificate shall be issued by the building official. Such certificate shall not be issued until repairs or replacements have been made for any public property damaged in such move. (Code 1968, § 10-76; Ord. No. 90-635, § 30, 5-23-90)

Sec. 10-76. Exemptions from article.

Portable houses without plumbing facilities not more than 12 feet in width and not exceeding 16 feet in height, when loaded for moving, shall be exempt from the provisions of this article. Such exemption does not exempt the mover from compliance with chapter 45 of this Code. All houses moved into or within the city, regardless of size, shall comply fully with the Construction Code. (Code 1968, § 10-77; Ord. No. 72-1075, § 1, 6-22-72; Ord. No. 02-399, § 32, 5-15-02)

Sec. 10-77. Penalty.

Any person who violates any of the provisions of this article shall be fined not less than \$100.00 nor more than \$500.00 and each day's violation shall constitute a separate offense. (Code 1968, § 10-78; Ord. No. 92-1449, § 21, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Secs. 10-78—10-83. Reserved.

DIVISION 2. MOVER'S LICENSE

Sec. 10-84. Required.

It shall be unlawful for any person to move any house along or across any public street within the city without first having secured the required classification of house moving license to engage in the business of house moving as provided in this division.

(Code 1968, § 10-84)

Sec. 10-85. Classifications; final authority for permit issuance.

(a) *Class A.* The holder of a Class A license shall be authorized to move all houses authorized for a Class B license and shall also be authorized to move all houses in excess of the maximum size specified in this section for holders of Class B licenses where the building official approves the move. Special requirements for moves in excess of 30 feet in width, 40 feet in length and 18 feet in height shall be imposed by the building official when deemed advisable from the point of view of traffic safety and protection of the city's streets.

(b) *Class B.* The holder of a Class B license shall be authorized to move houses upon the public streets of the city when the maximum size of the house moved does not exceed 30 feet in width, 40 feet in length and 18 feet in height, and when the axle load is in compliance with the requirements of applicable provisions of the state law.

(c) *Final authority for permit issuance.* The building official shall have final authority in granting permits to movers based on the size of the house to be moved and the mover's equipment as inspected and certified under section 10-88 of this Code.

(Code 1968, § 10-85; Ord. No. 72-1075, §§ 2, 3, 6-22-72; Ord. No. 90-635, § 31, 5-23-90; Ord. No. 93-514, § 22, 5-5-93)

Sec. 10-86. Application.

Any person desiring to engage in the business of house moving shall make application for a license to the building official. Such application shall be in writing and shall contain the following:

- (1) The name of the applicant and his residence and business addresses. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.

- (2) A statement that the applicant (or officers, if applicant is a corporation) has read and thoroughly understands the terms of this article and agrees to abide by its terms in the business of house moving.
- (3) The classification of house moving license for which application is made.
- (4) The application shall be signed by the applicant, if an individual; by a partner, if a partnership; or by the president, if an association or corporation.
- (5) Such other information as may be required by the building official.

(Code 1968, § 10-86; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-87. Fee.

The annual fee for a license required by this division shall be \$70.00 for a class A license and \$50.00 for a class B license. Such fee shall be paid at the time the application for a license is filed. No part of this fee shall be refunded whether or not a license is granted, but shall be held by the city to reimburse its expenses of investigation and inspection.

(Code 1968, § 10-87; Ord. No. 72-1075, § 4, 6-22-72; Ord. No. 90-635, § 31, 5-23-90; Ord. No. 03-645, § 2, 7-16-03)

Sec. 10-88. Inspection of applicant's equipment.

Prior to the issuance of a license under this division or a renewal thereof, the building official shall inspect the house moving equipment intended to be used by the applicant in connection with house moving, and if such equipment is safe and adequate and in compliance with the provisions of this article, a certificate shall be issued for display upon or within each approved tractor or towing unit.

(Code 1968, § 10-88; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-89. Issuance.

The building official shall examine the application for a license under this division and make such investigation as may be necessary, and if, in

his opinion, based upon such application and investigation, the applicant is entitled to a license, he shall issue to the applicant a license of the classification to which he is entitled upon the execution and delivery of the required bond and the satisfaction of the liability insurance requirements specified in sections 10-51 and 10-52 of this Code.

(Code 1968, § 10-89; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-90. Transfer.

A license issued under this division shall be personal to the licensee and shall not be transferable.

(Code 1968, § 10-90)

Sec. 10-91. Expiration and renewal.

A license issued under this division shall expire at midnight the following December thirty-first and any renewal thereof shall similarly expire upon the following December thirty-first. Upon expiration, a license may be renewed, if such license has not theretofore been revoked or suspended, by payment of the required license fee and the continuation in force of the licensee's bond pending the filing of a new bond, and the continued satisfaction of the liability insurance requirements of this article. In the event such license is under suspension, the license will not be renewed until the suspension period has ended, however, there shall be no proration of the license fee.

(Code 1968, § 10-91)

Sec. 10-92. Suspension or revocation.

After a public hearing thereon, the building official may suspend or revoke a house moving or a house repair or resale lot license issued pursuant to this article upon finding that the licensee made a materially false statement in his application or a finding that the licensee has violated any provision of this article and such suspension or revocation shall not bar a prosecution for the same offense. Prior to such hearing, the building official shall give written notice to the licensee of the grounds for the hearing, the date, time and place of the hearing and that the licensee may attend, be represented by counsel, present evidence and cross examine witnesses at the hearing.

(Code 1968, § 10-92; Ord. No. 90-635, § 32, 5-23-90)

Secs. 10-93–10-97. Reserved.**DIVISION 3. MOVING PERMIT****Sec. 10-98. Required; application.**

Any licensee desiring to move any house shall, at least three (3) days prior to the date upon which it is desired to make such move, apply to the building official for, and obtain, a permit, showing the present location of the house, the proposed new location, the proposed route of moving, the size and type of construction of the house and such

other information as the building official may require.

(Code 1968, § 10-98; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-99. Fee.

(a) Each applicant for a permit under this division shall pay a base permit fee of sixty dollars (\$60.00) for each structure that is to be moved. In each instance in which the building official determines that an inspector will be required during the move as provided in section 10-63 of this Code there shall be an additional inspection service fee of one hundred twenty dollars (\$120.00) for the first four-hour period, or any portion thereof, plus thirty-five dollars (\$35.00) for each additional hour, or any portion thereof. The fees provided for herein are in addition to the yearly license fee provided for in section 10-87 of this Code.

(b) Where a licensee commences to move a house without first having secured a permit therefor, the fee shall be doubled for the permit required for the house move, but the paying of such double fee shall neither relieve any person from fully complying with the requirements of this article nor from any other penalties prescribed herein.

(c) Any emergency move scheduled during holidays, weekends or other times not normally scheduled for moving a house and requiring a house moving inspector shall be subject to a special fee of fifty dollars (\$50.00). This special fee shall be in addition to the normal fee and shall be charged even though the basic moving permit is issued under an exempt fee. Any such emergency move must be approved by the building official.

(Code 1968, § 10-99; Ord. No. 72-499, § 8, 3-15-72; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 91-1173, § 1, 8-14-91)

Sec. 10-100. State permit prerequisite to issuance.

No permit shall be issued under this division unless any required permits from the Texas Department of Transportation shall have first been obtained.

(Code 1968, § 10-100; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 93-514, § 23, 5-5-93)

Sec. 10-101. City departments to be notified prior to issuance.

The time of the house moving for which a permit is applied for under this division shall be predetermined, and before the permit shall be issued, the departments of fire, police and parks and recreation shall be notified, as required by the building official.

(Code 1968, § 10-101; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 93-514, § 23, 5-5-93)

Sec. 10-102. Issuance.

The building official shall examine the application for a permit under this division and, if it is in order, he shall issue the permit, in duplicate.

(Code 1968, § 10-102; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-103. Contents.

Each permit issued under this division shall show:

- (1) The name of the licensee.
- (2) The present location of the house.
- (3) The proposed new location.
- (4) The route of moving, as approved by the building official.
- (5) The date and time during which the house will occupy the streets, if no inspector is required. This may subsequently be modified with the approval of the building official.
- (6) The time that the house will be permitted to remain in the streets.
- (7) The size and type of construction of the house.
- (8) Evidence that arrangements have been made with utility companies and/or the city electrical division for the rearrangement of any utility company's or the city's installations where required in order to prevent damage thereto.
- (9) The receipt of the permit fee.

(Code 1968, § 10-103; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-104. Posting.

A copy of the permit issued under this division shall be posted on the house to be moved, and no house shall be moved unless such copy and the job card are posted thereon.

(Code 1968, § 10-104)

Sec. 10-105. Transfer.

Permits issued under this division shall be non-transferable.

(Code 1968, § 10-105)

Sec. 10-106. Acceptance constitutes obligation and contract.

The acceptance by a licensee of a permit issued under this division shall constitute a binding obligation and contract on the licensee's part to abide by and comply with the terms of the permit and of this article.

(Code 1968, § 10-106)

Secs. 10-107—10-150. Reserved.

ARTICLE IV. RESERVED*

Secs. 10-151—10-210. Reserved.

*Editor's note—Ord. No. 93-1570, § 5, adopted Dec. 8, 1993, repealed former art. IV, §§ 10-151—10-156, 10-166—10-177, 10-186—10-189, which pertained to the housing code.

ARTICLE V. NUMBERING**Sec. 10-211. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Commercial building* shall mean and include any building used in whole or in part for any trade, business, the provision of services for remuneration, or for any commercial purpose, but the term commercial building shall not include any building used for residential or lodging purposes.
- (2) *Commercial unit* shall mean and include the portion of any commercial building that is used by any corporation, partnership, association or sole proprietorship which does not occupy the entire building.
- (3) *Family* shall mean and include one or more individuals living together in a single housekeeping unit.
- (4) *Identifying number* shall mean the address number assigned by the director of planning and development, or where no such number has been assigned by the director of planning and development, any number, letter, or number and letter combination which is distinct from any other number, letter, or number and letter combination used on the same premises.
- (5) *Lodging unit* shall mean and include any room, other than one in a residential unit, which is generally used for sleeping purposes.
- (6) *Premises* shall mean any tract or tracts of land under common ownership. Premises shall also include the total area of any condominium or town house development where the owners of individual units hold all or part of the land in common.
- (7) *Residential unit* shall mean and include any building or portion thereof designed as a dwelling for a family.

(Code 1968, § 10-200; Ord. No. 79-863, § 1, 5-22-79; Ord. No. 82-902, § 1, 6-1-82; Ord. No. 93-514, § 25, 5-5-93; Ord. No. 98-613, § 25, 8-5-98)

Sec. 10-212. Directory for apartments, etc.

Whenever there are four or more residential units on the same premises, there shall be a directory posted and maintained near the principal entrance to the premises unless an identifying number posted on each unit is clearly visible from the public street. Such directory shall indicate by a map or clearly worded directions the exact location of each residential unit on the premises. This section shall not apply if all units on the premises are located in one building which must meet the requirements of subsection (b) of section 10-213 of this Code.

(Code 1968, § 10-201; Ord. No. 79-863, § 1, 5-22-79)

Sec. 10-213. Posting of numbers and directions.

(a) Each residential unit and each lodging unit shall have an identifying number posted and maintained on or within 18 inches of the principal entrance to the unit.

(b) If a building contains more than two residential or lodging units which cannot be entered directly from outside, directions shall be posted and maintained outside the principal entrance to such building or inside such building where it is clearly visible upon entering the principal entrance to the building. Such directions shall indicate one of the following:

- (1) The location of all units in the building by arrows, by a map, or by clearly worded directional information.
- (2) The location of all units on the same floor as the principal entrance and the floor on which each other unit is located. When the directions at the principal entrance simply indicate the floor on which some units are located, directions shall be posted and maintained at the elevator entrance to each floor, or if there is no elevator, at the principal stairwell entrance. Such directions shall show the location of all units on that floor by arrows, a map, or clearly worded directional information.

If it is not obvious which entrance to a building is the principal entrance, a sign clearly indicating

the location of the principal entrance shall be posted and maintained on all entrances which might be confused with the principal entrance; however, two or more entrances may be considered principal entrances if the person in control of the property so desires. Where two or more entrances are considered principal entrances, all numbers and directories must be posted and maintained at each such entrance as though it were the only principal entrance.

(c) If a building contains four or more residential or lodging units, identifying numbers shall be posted and maintained at each end of said building indicating the units contained therein. If the numbers posted at one end of the building are clearly visible from a public street or private driveway, and the opposite end of the building is not visible from either a public street or a private driveway, numbers shall be required only on the end of the building that is clearly visible from the public street or private driveway. It shall not be necessary to post the identifying numbers of all units contained in the building at the ends of said building if the numbers posted at the ends indicate the units contained in the building. (Example: Where a building contains units numbered 1 to 20, it shall be adequate to post "1—20" on the end of the building.) The numbers required by this subsection shall be at least four inches in height, shall be permanently affixed to the outside of the building, and shall be of a color which is in contrast to the background.

(Code 1968, § 10-202; Ord. No. 79-863, § 1, 5-22-79; Ord. No. 79-1544, § 1, 9-11-79)

Cross reference—Painting or posting house numbers on curbs, § 40-16.

Sec. 10-214. Listing of occupants.

It shall not be necessary to list the occupants of any unit on any sign or directory used to comply with this article.

(Code 1968, § 10-203; Ord. No. 79-863, § 1, 5-22-79)

Sec. 10-215. Specifications for numbers— Generally.

All numbers which are to be posted and maintained on or within 18 inches of an entrance shall be:

- (1) Permanently affixed to the outside of the door or on the outside wall of such building or unit.

- (2) Of a color which is in contrast to the background.
- (3) At least three inches in height, except:
 - a. On residential or lodging units which had numbers posted on May 22, 1979, numbers at least two inches in height shall meet the requirements of this section.
 - b. On units contained in buildings where numbers are posted pursuant to section 10-213(c), numbers posted on or within 18 inches of the entrance of the unit shall be at least two inches in height.

(Code 1968, § 10-204; Ord. No. 79-863, § 1, 5-22-79; Ord. No. 79-1544, § 2, 9-11-79)

Sec. 10-216. Same—For commercial units and buildings.

(a) Each commercial building shall have an identifying number posted and maintained on or within 36 inches of the principal entrance.

The identifying number of the building shall also be posted and maintained on any sign which:

- (1) Sets out the name of the building; and
- (2) Is located on the same premises as the building; and
- (3) Is visible to persons traveling on the street from which the address is derived.

Each commercial unit having its principal entrance in such a location that it can be entered directly from outside the building shall have an identifying number posted and maintained on or within 36 inches of the principal entrance.

If it is not obvious which entrance is the principal entrance of a commercial building or a commercial unit, a sign clearly indicating the location of the principal entrance shall be posted and maintained on all entrances which might be confused with the principal entrance. However, two or more entrances may be considered principal entrances if the person in control of the property so desires. Where two or more entrances are considered principal entrances; all numbers must be posted and maintained at each such entrance as though it were the only principal entrance.

(b) All numbers which are to be posted and maintained on commercial units and commercial buildings pursuant to this article shall be:

- (1) Permanently affixed to the outside of the door or on the outside wall of such building or unit;
- (2) Of a color which is in contrast to the background; and
- (3) At least three inches in height.

All numbers which are posted and maintained on a sign or marker pursuant to this section shall be permanently affixed to the sign or marker and meet the same color and size requirements as specified in subsections (b)(2) and (b)(3) above.

Provisions of this section shall not be construed to authorize the erection or maintenance of any sign or marker in contravention of any applicable provisions of chapter 46 of the Building Code.

(Code 1968, § 10-205; Ord. No. 82-902, § 2, 6-1-82; Ord. No. 89-917, § 1, 6-21-89)

Sec. 10-217. Compliance with article provisions notice; penalties for non-compliance.

(a) It shall be the responsibility of each owner of the property and of each person having control over the property to ensure that any number required to be posted and maintained on such property is so posted on such property at all times.

(b) Charges may be filed in municipal court for any violation of this article upon proper complaint under the following conditions:

- (1) Written notice has been given the person charged, by an officer or employee of the city, either by hand delivery or by certified mail, return receipt requested. Such notice shall inform the person that identifying numbers must be posted on each building, lodging, residential or commercial unit and/or, in the case of residential units, that a directory must be maintained, as applicable. The notice shall also set out the requirements for such numbers and/or, if applicable, such directory, as specified in this article and shall be accompanied by a copy of applicable provisions of this article.

- (2) The person charged did not comply with the applicable provisions of this article within ten days of the date such person received notice pursuant to subsection (b)(1) hereof.

(c) Any person who fails to ensure that all numbers or, if applicable, directories required by this article are posted and maintained on property under his control after receiving notice as provided in subsection (b) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$500.00 for each offense. Each day a number or, if applicable, directory, required to be posted under this article is not so posted shall constitute a separate offense.

(Code 1968, § 10-206; Ord. No. 82-902, § 3, 6-1-82; Ord. No. 92-1449, § 22, 11-4-92)

Charter reference—Penalty for ordinance violations, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fine for incarceration, § 35-6 et seq.

Secs. 10-218—10-230. Reserved.

ARTICLE VI. MODULAR HOUSING*

DIVISION 1. GENERALLY

Sec. 10-231. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alteration* means the replacement, installation, addition, modification or removal of any structural component or any equipment which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a modular home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the

same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the modular home by the manufacturer, if the rating of the appliance does not exceed the rating of the circuit to which it is connected.

- (2) *Factory lot* means any property on which modular homes are manufactured. No property that is not adjoining property on which modular homes are actually constructed shall be considered a factory lot or part of a factory lot.
- (3) *Manufacturer* means a person licensed as a manufacturer by the state pursuant to Article 5221f, Vernon's Texas Civil Statutes.
- (4) *Modular home* means a structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a manufactured home as defined in Article 5221f, Vernon's Texas Civil Statutes, nor does it include building modules incorporating concrete or masonry as the primary structural component.
- (5) *Owner* means the person holding title to the property and any person having control over the property.
- (6) *Retailer* means a person licensed as a retailer by the state pursuant to Article 5221f, Vernon's Texas Civil Statutes.
- (7) *Sales lot* means any tract of land used by a retailer for showing modular homes to potential customers.

(Code 1968, § 10-300; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 94-1268, § 4, 11-22-94)

Sec. 10-232. Application and interpretation of other ordinances.

- (a) All provisions of the ordinances of the city shall apply to the placement and the use of a mod-

***Cross reference**—Manufactured homes, manufactured home parks, travel trailers, motor homes, etc., Ch. 29.

ular home on any property within the city on the same basis that such ordinances are applicable to the construction and the use of any other structure except to the extent such ordinances of the city are inconsistent with state law, or are in conflict with the provisions of this article.

(b) For purposes of all the ordinances of the city, the placement of a modular home shall be deemed the construction of a structure.
(Code 1968, § 10-301; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-233. Compliance with Construction Code.

No structure originally constructed as a modular home shall be used for any purposes other than as a dwelling or a residence, for demonstration purposes at a sales lot, or as an office of a licensed retailer at a sales lot, unless the structure meets all requirements of the Construction Code of the city.
(Code 1968, § 10-302; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 02-399, § 33, 5-15-02)

Sec. 10-234. Setbacks.

No portion of any modular home may be less than three feet from any property line and may not be nearer to any property line than that distance specified in the Construction Code for structures of the same type of construction and occupancy. For purposes of this section, the term "property line" shall include an imaginary line midway between a modular home and any other structure on the same property, any easement line, and all lines falling within the usual and customary meaning of the term "property line."
(Code 1968, § 10-303; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 02-399, § 33, 5-15-02)

Sec. 10-235. Location restrictions.

No person shall allow, cause, or suffer any modular home to be on any property owned by him or under his control within Fire Zones One and Two. This section shall not prohibit the transportation of modular homes through Fire Zones

One and Two on the public streets when such transportation is accomplished in compliance with all other applicable statutes and ordinances.
(Code 1968, § 10-304; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-236. Permit prior to placement on lot—Required.

No person shall permit, allow, suffer or cause a modular home to be on any property owned by him or under his control unless a permit has been issued by the city pursuant to the provisions of this article; provided that the provisions of this section shall not apply if the property is a factory lot or if such home was permanently installed on the property prior to May 1, 1980.
(Code 1968, § 10-305; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-237. Same—Application.

(a) To obtain a permit to place a modular home on property within the city when it is intended that such modular home shall be used as a residence by the applicant or by another, the owner of such property shall file an application therefor on a form designated by the city. Such application shall include:

- (1) The name and mailing address of the applicant;
- (2) The legal description of the property on which such modular home is to be placed;
- (3) The street address of the property on which the modular home is to be placed;
- (4) The size of such modular home;
- (5) The year in which the modular home was constructed;
- (6) A full description of such modular home, and the name of the manufacturer;
- (7) The serial number of each modular section of the home;
- (8) A map or drawing of the property drawn to scale showing the location where the modular home will be placed, the location of all other structures on the property, all driveways on the property, and where off-street parking will be provided.

(b) The application shall state thereon: "If the placement or use of the modular home on the property described in this application violates any restriction contained in or incorporated by reference in a duly recorded plan, plat, replat or other instrument affecting the property, the city may file suit or become a party to a suit for the purpose of enjoining or abating the violation of the restriction."

(Code 1968, § 10-306; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-238. Same—Conditions for permit issuance.

Upon the filing of a proper application pursuant to section 10-237 and the payment of the permit fee, the building official shall issue a permit for the placement of a modular home on such property unless the building official finds that the placement of the modular home on such property would violate any provision of the ordinances of the city or laws of the state, or finds that adequate utilities are not available for residential use of such modular home at the location set out in the application.

(Code 1968, § 10-307; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 90-635, § 34, 5-23-90)

Sec. 10-239. Same—Applicability of permit.

A permit granted pursuant to section 10-238 shall be valid only for the placement of the modular home described in the application therefor on the property designated in the application.

(Code 1968, § 10-308; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-240. Same—Permit fee.

The fee for a permit for the placement of a modular home that is intended to be used as a residence will be \$25.00. This fee shall be in addition to all other applicable fees.

(Code 1968, § 10-309; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-241. Certificate of compliance—Required prior to habitation and utility connection.

No utility of any kind shall be connected to a modular home and no person shall occupy or

allow or permit another to occupy a modular home as a residence unless a certificate of compliance has been issued for such modular home.

(Code 1968, § 10-310; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-242. Same—Information required prior to issuance of certificate of compliance.

To obtain a certificate of compliance for a modular home, the applicant shall give the building official the following information:

- (1) The number of the permit issued under section 10-238 for placement of the modular home;
- (2) The date the modular home was placed on the property; and
- (3) The serial number of each modular section of the home placed on the property.

(Code 1968, § 10-311; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 90-635, § 35, 5-23-90)

Sec. 10-243. Same—Conditions for issuance of certificate.

Upon receipt of a request for a certificate of compliance, inspectors of the city shall inspect the property on which the modular home is located to determine if the modular home meets all applicable requirements of the ordinances of the city. After such inspection a certificate of compliance shall be issued unless it is found that the requirements of this article or of other applicable ordinances have not been met.

(Code 1968, § 10-312; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-244. Same—Applicability of certificate of compliance.

A certificate of compliance for a modular home shall be valid only for the occupancy of that particular home for the location set out in the application.

(Code 1968, § 10-313; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-245. Seal, decal or label to be affixed to home used as residence.

No modular home shall be placed on any property within the city for use as a residence unless there is affixed thereto a seal, decal or label issued by the Texas Department of Labor and Standards pursuant to Article 5221f, Vernon's Texas Civil Statutes.

(Code 1968, § 10-314; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-246. Parking spaces required if used as residence.

No modular home may be placed on any property for use as a residence unless there are the minimum number of parking spaces for the modular home and for all other residential structures on the same property as required in chapter 26 of this Code.

(Code 1968, § 10-315; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 02-399, § 34, 5-15-02)

Sec. 10-247. Use as model or sales office—Permit application.

To obtain a permit to place one or more modular homes on a sales lot to be used as models and/or an office, the owner or lessee of the property shall file an application therefor on a form designated by the city. Such application shall include:

- (1) The name and mailing address of the applicant;
- (2) The legal description of the property on which such modular homes are to be placed;
- (3) The street address of the property on which the modular homes are to be placed;
- (4) The name and state license number of the retailer who will use the sales lot;
- (5) The maximum number of such modular homes to be placed on such property for use as an office and/or models;
- (6) The maximum size of the modular homes to be placed on the property for use as an office and/or models;

(7) A map or drawing of the property, drawn to scale, showing where each modular home to be used as an office and/or model will be placed;

(8) A statement, sworn to under oath, that the use of such property as a sales lot will not violate any restriction contained in or incorporated by reference in a duly recorded plan, plat, replat, or other instrument affecting the property.

(Code 1968, § 10-316; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-248. Same—Review of application; issuance of permit.

Upon the filing of a proper application pursuant to section 10-247 and the payment of the permit fee, the building official shall review the application to determine if the proposed plans for use of the property as a sales lot meet the requirements of all applicable laws. After such review the building official shall issue a permit for the placement of modular homes as an office and/or models on the sales lot as requested in the application unless he finds that the placement of such modular homes on the property would violate any applicable laws or would violate any restriction contained in or incorporated by reference in a duly recorded plan, plat, replat, or other instrument affecting the property.

(Code 1968, § 10-317; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 90-635, § 36, 5-23-90)

Sec. 10-249. Same—Permit fee.

The fee to place or allow modular homes on a sales lot for an office and/or models shall be \$25.00 for each such sales lot. This fee shall be in addition to all other applicable fees.

(Code 1968, § 10-318; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-250. Same—Term of permit; violation of restrictions.

A permit to place modular homes on a sales lot shall be valid for one year from the date of issuance and may be renewed annually upon payment of a permit fee of \$25.00.

Provided, however, a permit to place modular homes on a sales lot shall be null, void and of no effect if such use of the property violates any restrictions contained in or incorporated by reference in any plan, plat, replat or other instrument affecting the property.

(Code 1968, § 10-319; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-251. Same—Use as residence or dwelling prohibited.

No modular home located on a factory lot or a sales lot may be used as a residence or dwelling. (Code 1968, § 10-320; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-252. Same—Number permitted.

No more than one modular home shall be used on any one sales lot as an office for a retailer of modular homes. If two or more sales lots are on adjoining property and such adjoining lots are used by the same retailer for the sale, exchange, and/or lease-purchase of modular homes, all such lots taken together shall be treated as one sales lot for purposes of this section.

(Code 1968, § 10-321; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-253. Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00. Each day during which any violation of this article is continued or permitted shall be deemed a separate offense.

(Code 1968, § 10-322; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 92-1449, § 23, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

**DIVISION 2. INDUSTRIALIZED HOUSING
AND INDUSTRIALIZED BUILDINGS**

Sec. 10-254. Definitions.

The following words and phrases shall have the following meanings in this division unless other-

wise clearly indicated in the text. Words not defined shall be interpreted in their usual sense.

Industrialized building means a commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any commercial structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

Industrialized housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to:

- (1) Housing constructed of sectional or panelized systems not utilizing modular components; or
- (2) Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Modular component means a structural portion of any dwelling or building that is constructed at a location other than the homesite in such a manner that its construction cannot be

adequately inspected for code compliance at a homesite without damage or without removal of a part thereof and reconstruction.
(Ord. No. 85-2215, § 1, 12-26-85)

Sec. 10-255. Application of ordinances of the city to industrialized structures.

All provisions of the ordinances of the city shall apply to the construction, placement and the use of any industrialized building or industrialized housing on any property within the city on the same basis as such ordinances are applicable to the construction and the use of any other structure except to the extent such ordinances of the city are inconsistent with state law, or are in conflict with the provisions of this article. For purposes of all ordinances of the city, the placement of an industrialized building or industrialized housing shall be deemed the construction of a structure.
(Ord. No. 85-2215, § 1, 12-26-85)

Sec. 10-256. Conformance to uniform codes.

Any industrialized building or industrialized housing erected or installed in the city shall be constructed in accordance with the requirements and standards of the Uniform Building Code, the Uniform Plumbing Code and the Uniform Mechanical Code, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials and as those codes existed on January 1, 1985; provided, however, this provision shall only be applicable to the extent that the Construction Code is not enforceable in regard to the construction of such structures due to the provisions of Article 5221f-1, Texas Revised Civil Statutes.
(Ord. No. 85-2215, § 1, 12-26-85; Ord. No. 02-399, § 35, 5-15-02)

Sec. 10-257. Submission of plans and specifications.

Prior to the issuance of any permit for the installation of any industrialized building or industrialized housing in the city, the applicant shall submit to the building official a complete set

of design plans and specifications bearing the stamp of the Texas Industrialized Building Code Council for the structure.

(Ord. No. 85-2215, § 1, 12-26-85; Ord. No. 90-635, § 37, 5-23-90)

Sec. 10-258. Decal or insignia required.

No industrialized building or industrialized housing shall be installed in the city unless it bears an approved decal or insignia pursuant to the rules of the Texas Department of Labor and Standards reflecting that the structure has been inspected at the manufacturing plant or facility.
(Ord. No. 85-2215, § 1, 12-26-85)

Secs. 10-259—10-270. Reserved.

ARTICLE VII. LOCATION OF ABATTOIRS AND RENDERING PLANTS

Sec. 10-271. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section unless the context requires otherwise:

- (1) *Abattoir or slaughterhouse* means any establishment within the city within which cattle, sheep, swine, goats or any such animals are slaughtered for meat for human consumption. The term shall include stockyards and all other operations and facilities necessary, useful or incidental to such abattoir or slaughterhouse.
- (2) *Rendering plant* means any establishment at which any animal or parts thereof, or the proteins and fats from animals, poultry, fish or any other waste organic material, in whole or in part, is processed for commercial use. The term "rendering plant" shall include related industry or other operations and facilities necessary, useful or incidental to such rendering plant.

(Code 1968, § 10-323; Ord. No. 81-1458, § 3, 8-4-81)

Sec. 10-272. Prohibited locations—For abattoirs.

(a) It shall be unlawful for any person to erect, establish, enlarge, or expand an abattoir or slaughterhouse in the corporate limits of the city within 3,000 feet of any:

- (1) Church;
- (2) Public park;
- (3) School;
- (4) Hospital;
- (5) College or university; or
- (6) Any dwelling resided in by anyone other than the applicant or employees of such abattoir or slaughterhouse.

(b) The measurement of such distance of 3,000 feet shall be in a straight line from the nearest point on the nearest real property line of such church, public park, school, hospital, college, university or dwelling to the nearest exterior portion of any building, outbuilding, structure or facility used or useful in connection with such abattoir or slaughterhouse to be erected. No building permit shall be issued by the building official for the erection or construction of any such abattoir or slaughterhouse within such three-thousand-foot distance.

(c) This section shall not apply to abattoirs or slaughterhouses in existence on January 23, 1957, to the extent that they were then in existence, but shall apply to all additions and extensions to such existing abattoirs or slaughterhouses.

(Code 1968, § 10-324; Ord. No. 81-1458, § 3, 8-4-81; Ord. No. 90-635, § 38, 5-23-90)

Sec. 10-273. Same—For rendering plants.

(a) It shall be unlawful for any person to erect, establish, enlarge or expand a rendering plant in the corporate limits of the city within 600 feet of any:

- (1) Church;
- (2) Public park;
- (3) School;
- (4) Hospital;

- (5) College or university;
- (6) Established eating place; or
- (7) Any dwelling resided in by anyone other than the applicant or employees of the rendering plant.

(b) The measurement of such distance of 600 feet shall be in a straight line from the nearest point on the nearest real property line of the church, public park, school, hospital, college, university, eating establishment, or dwelling to the nearest exterior portion of any building, outbuilding, or structure or facility used or useful in connection with the rendering plant to be erected.

(c) This section shall not apply to rendering plants in existence on October 27, 1965, to the extent that they were then in existence, but shall apply to all additions and extensions to such existing rendering plants.

(Code 1968, § 10-325; Ord. No. 81-1458, § 3, 8-4-81)

Secs. 10-274—10-295. Reserved.

**ARTICLE VIII. BUILDINGS
CONSTITUTING FIRE HAZARDS
GENERALLY**

Sec. 10-296. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Building*. The term "building" is used in this article in its customary and ordinary meaning, but where a shed or attachment has been built onto an original structure, or where two or more buildings have been joined together, or where a second building has been built adjacent to the first and utilizes a wall of the first building as a party wall, all parts shall be considered one building.
- (2) *Combustible fibre*. The term "combustible fibre" shall mean and include cotton, sisal, henequen, ixtle, jute, hemp, tow, co-

coa, fibre, oakum, baled waste, baled waste-paper, kapok, hay, straw, Spanish moss and excelsior.

- (3) *Lodging house.* The term "lodging house" is used in this article in its ordinary and customary meaning and shall also mean and include hotels, boardinghouses, rooming houses, tenement houses, or any other house (by whatever name known) used and occupied, or designed and constructed so that the same may be used and occupied, for the permanent or temporary occupancy for living quarters for ten or more persons.
- (4) *Owner.* The term "owner" is used in this article in its customary and ordinary meaning and, in addition thereto:
 - a. If the building is owned by two or more persons, each shall be responsible hereunder as an owner.
 - b. If the building is owned or leased by a corporation, the president, the general agent (if there be one), the general manager (if there be one), and each member of the board of directors shall be responsible hereunder as an owner.
 - c. If the building is owned by one and leased to another, the responsibility hereunder shall be the responsibility of both the lessor and lessee and each or both may be held accountable for a violation hereof, and the term "owner" shall include "lessee."
 - d. If the building is the property of an estate under administration, in custodia legis, or held in trust, the executor, administrator, guardian, receiver or trustee shall be responsible hereunder as an owner.

(Code 1968, § 18-35; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-297. Purpose and intent.

The purpose and intent of this article is to protect human life from destruction by fire. The chief offense denounced herein is the offense of

permitting a building to be occupied by human beings when there is serious danger of loss of life from conflagration of the building due to dangerous conditions therein existing. All persons have a lawful right to peaceable occupancy and use of property owned by them but no person has a right to occupy or use or to profit from the occupancy or use of a building which seriously hazards human life, and the police power of the state, delegated to this city, is hereby invoked in prevention thereof. Connected offenses are also denounced by this article in furtherance of the principal intent. (Code 1968, § 18-36; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-298. Fire hazards enumerated.

The following shall be considered fire hazards:

- (1) Any building containing electrical wiring or appliances in a dangerous and defective condition likely to cause fire. Electrical wiring and appliances installed or in use that are not in compliance with the provisions of any ordinance of the city regarding wiring and appliances and the installation thereof shall be deemed dangerous and defective.
- (2) Any building containing gas plumbing or appliances in a dangerous and defective condition likely to cause fire. Gas plumbing or appliances installed or in use that are not in compliance with the provisions of any ordinance of this city regulating plumbing and appliances and the installation thereof shall be deemed dangerous and defective.
- (3) Any building where flammable or combustible liquids are used or stored in violation of any applicable provisions of the Fire Code.
- (4) Any building of wooden frame construction wherein any cafe or restaurant business is operated, unless the walls and ceilings of that portion of the building in which the cafe or restaurant is operated are separated from the remainder of the building by one-hour fire-resistive materials as defined in the Building Code.

- (5) Any building of wooden frame construction wherein any automobile repair or service business is carried on unless fire-resistive separation is installed as provided in item (4) above.
- (6) Any building of wooden frame construction wherein any combustible fibers are stored in quantities in excess of 100 cubic feet or wherein combustible fibers of a quantity less than 100 cubic feet are stored other than in a metal-lined wooden bin equipped with a self-closing metal cover.
- (7) Any lodging house being operated in a two-story building of wooden frame construction; provided, however, that no such lodging house shall constitute a fire hazard if:
 - a. The ceiling of the first floor is separated from the floor of the second by one-hour fire-resistive materials as defined in the Building Code; and
 - b. The walls between the rooms are insulated by one-hour fire-resistive materials as defined in the Building Code that extend from ceiling to floor; and
 - c. The stairways, including the doors, platforms, landings, railings and corridors or passageways constructed in connection therewith, in all ways conform to the provisions of the Building Code; and
 - d. The floors, walls, and frame of the house are in safe and sound structural condition; and
 - e. The building does not otherwise constitute a fire hazard as defined herein.
- (8) Any wooden frame building a substantial portion of which is in a state of dilapidation and in an advanced stage of rot and the deteriorated condition of the building renders its occupancy extremely hazardous to human life due to the increased likelihood of the occurrence of fire and the increased danger of its rapid and violent spread.

- (9) Though not otherwise defined herein, any building wherein there exists a dangerous, defective and hazardous condition the nature of which renders the occupancy of the building an extreme risk to human life and the continued existence of which will, under all probabilities, result in a loss of human life.

(Code 1968, § 18-37; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 95-279, § 9, 3-15-95; Ord. No. 02-399, § 36, 5-15-02)

Sec. 10-299. Initial placarding.

(a) Whenever the fire marshal shall find that any building within the city constitutes a fire hazard, he shall forthwith cause to be posted on or near the front door of such building, in as conspicuous a manner as possible, a substantial placard upon which shall be printed in red, in letters at least 2½ inches high, the words "WARNING—FIRE HAZARD," and on which placard there shall also appear the following words:

"THIS BUILDING IS A FIRE HAZARD. ITS OCCUPANCY IS DANGEROUS TO HUMAN LIFE. THE OWNER AND ALL OCCUPANTS ARE DIRECTED BY LAW TO COMMUNICATE IN PERSON OR BY TELEPHONE, IMMEDIATELY, WITH THE OFFICE OF THE FIRE MARSHAL OF THE CITY OF HOUSTON."

(b) Such placard may contain other information deemed advisable by the fire marshal. Like placards shall be placed in or on other portions of the building as may be deemed necessary by the fire marshal.

(Code 1968, § 18-38; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-300. Notice to owner.

(a) The fire marshal shall give notice to the owner of the building placarded in accord with section 10-299 of this Code that the same constitutes a fire hazard, stating substantially what conditions exist giving rise to same and substantially what measures should be taken to abolish the hazard. Such notice shall normally be given in

writing by mail or delivery, but may be given orally if the circumstances are urgent and delay would endanger life.

(b) The fire marshal shall find and determine from the existing facts what maximum amount of time may be safely permitted the owner to abolish the fire hazard, without materially increasing the danger of life, and shall specify in his notice to the owner the extent of such time limit.

(c) Where the fire marshal cannot, by the exercise of reasonable diligence, ascertain the identity or the residence of the owner, or is wholly unable to communicate with him for any reason, it shall be sufficient for the fire marshal to post a written notice near his placard on the building. (Code 1968, § 18-39; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-301. Duty of owner to abolish hazard.

(a) Whenever any owner shall be given notice as provided in section 10-300 of this Code, he shall forthwith take such action as may be necessary to abolish the fire hazard. He shall do so by either correcting the physical condition or conditions which cause fire, or by causing the building to be vacated of human occupancy. Purported or alleged inability to abolish the hazard in one way will not excuse failure to abolish it in the other. He shall take all necessary action and abolish the fire hazard within the time limit which the fire marshal has found from the facts may safely be allowed.

(b) Any owner of any building who shall receive notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and shall fail or refuse to abolish the fire hazard within the maximum time limit found by the fire marshal as provided in section 10-300 of this Code shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00). Each day such fire hazard continues to exist after the expiration of the time limit shall constitute a separate offense. (Code 1968, § 18-40; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 24, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-302. Acceptance of rent prohibited until hazard abolished.

(a) Any owner of any building who shall receive notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and shall fail or refuse to abolish the fire hazard within the maximum time limit found by the fire marshal as provided in section 10-300 of this Code and shall, after the expiration of such time limit, accept payment of rent from any person as consideration for occupying such building or any portion thereof shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00). This offense shall be separate and distinct from the offense denounced in section 10-301 of this Code. Each acceptance of payment of rent shall constitute a separate offense.

(b) Any owner of any building who has received the notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and, without abolishing the fire hazard, thereafter rents any portion of the building to some person not theretofore renting or occupying same, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00).

(Code 1968, § 18-41; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 25, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-303. Discontinuing electric service.

When any fire hazard is permitted to continue in existence by the owner after receiving the notice provided in section 10-300 of this Code, and after the expiration of the time limit as determined under section 10-300 of this Code, if the fire marshal shall find and determine from the facts that the danger to human life is materially increased by the electrical wiring and appliances present in the building, he shall give notice to the public utility company supplying electrical current to such building, to disconnect its service and forthwith cease supplying electrical current thereto. It shall thereupon be the duty of the chief officer of the company in active charge of its operations to cause such service to be disconnected and the supply of electrical current discontinued, immediately.

(Code 1968, § 18-42; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-304. Discontinuing gas service.

When any fire hazard is permitted to continue in existence by the owner after receiving the notice provided in section 10-300 of this Code, and after the expiration of the time limit as determined under section 10-300 of this Code, if the fire marshal shall find and determine from the facts that the danger to human life is materially increased by the gas plumbing and appliances present in the building, he shall give notice to the public utility company supplying gas to such building, to disconnect its service and forthwith cease supplying gas thereto. It shall thereupon be the duty of the chief officer of the company in active charge of its operations to cause such service to be disconnected and the supply of gas discontinued, immediately.

(Code 1968, § 18-43; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-305. Second placarding.

(a) Whenever the fire marshal shall find that a fire hazard continues to exist after the giving of notice and the expiration of the time limit provided in sections 10-300 and 10-301 of this Code, he shall cause to be posted on or near the front door of such building, in as conspicuous a manner

as possible, a second substantial placard upon which shall be printed in red in letters at least two and one-half (2½) inches high the words, "SECOND WARNING—FIRE HAZARD," and on which placard there shall also appear the following words:

"THE TIME LIMIT HAS EXPIRED FOR THE CORRECTION OF THE CONDITIONS WHICH MAKE THIS BUILDING A FIRE HAZARD, AND THEY HAVE NOT BEEN CORRECTED.

"THE FURTHER OCCUPANCY OF THIS BUILDING BY ANY PERSON IS PROHIBITED BY LAW AS IT IS DANGEROUS TO LIFE.

"THIS NOTICE IS POSTED (Here the notice shall show the date and hour). ALL PERSONS ARE REQUIRED BY LAW TO VACATE SAME NOT LATER THAN FORTY-EIGHT HOURS AFTER SUCH TIME, AND ARE PROHIBITED FROM RE-ENTERING SAME UNTIL THE FIRE MARSHAL FINDS THAT THE FIRE HAZARD HAS BEEN ABOLISHED.

"FOR FURTHER INFORMATION, CALL THE FIRE MARSHAL OF THE CITY OF HOUSTON."

(b) Such placard may contain other information deemed advisable by the fire marshal.
(Code 1968, § 1844; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-306. Unlawful occupancy or entry.

After forty-eight (48) hours from the stated hour of the posting of the second placard pursuant to section 10-305 of this Code, as shown therein, it shall be unlawful for any person to occupy the building as living quarters or to enter or remain in same except for short visits not exceeding thirty (30) minutes in any one day, during daylight hours, after first giving notice to the fire marshal's office of intention to enter; provided, that, after first giving notice to the fire marshal's office and subject to his regulation, the owner may cause persons to enter the premises for the purpose of correcting the physical conditions which give rise to the hazard.
(Code 1968, § 18-45; Ord. No. 73-2079, 1, 11-21-73)

Sec. 10-307. Allowing reoccupancy without correcting hazardous condition.

Any owner of any building who receives a notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code, and abolishes the fire hazard by causing the building to be vacated of human occupancy and thereafter reconstitutes the fire hazard by allowing or causing human occupancy to be resumed without correcting the hazardous physical condition of the building shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00) and each day that such reconstituted fire hazard continues to exist shall be a separate offense. No additional notice from the fire marshal shall be required in such cases.

(Code 1968, § 18-46; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 26, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-308. Unlawful removal or defacing of placards.

Any person who shall tear down or deface any placard posted by the fire marshal under the provisions of this article shall be guilty of a misdemeanor and, upon conviction, fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00).

(Code 1968, § 18-47; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 27, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-309. Removal of placards after conditions remedied.

Whenever the fire marshal finds that the physical conditions causing a fire hazard defined in this article no longer exist, he shall forthwith notify the owner and remove his placard or placards.

After such finding, it shall be lawful to occupy the building.

(Code 1968, § 1848; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-310. Enforcement officers.

For the purpose of the enforcement of this article, any assistant fire marshal, city arson investigator or inspector of the fire prevention division of the fire department shall be deemed to be a deputy of the fire marshal and any of the powers and duties given the fire marshal by this article may be exercised by any such deputy on behalf of the fire marshal.

(Code 1968, § 18-49; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-311. Alternative remedies.

Any building in which one or more of the fire hazard conditions enumerated in section 10-298 above exists is hereby declared a public nuisance and a fire hazard. The fire marshal is hereby expressly authorized and directed to take or initiate appropriate action for the abatement thereof pursuant to this article or any other applicable provisions of this Code, including without limitation, article IX of this chapter and the city's Fire Code. Notwithstanding, the availability of any other remedies and sanctions the fire marshal is authorized and directed to proceed with immediate abatement action pursuant to this article whenever he finds upon inspection thereof that the continued occupancy of any building constitutes a substantial hazard to human life from potential conflagration of the building.

(Code 1968, § 18-50; Ord. No. 73-2079, § 1, 11-21-73)

Secs. 10-312—10-315. Reserved.

**ARTICLE IX. COMPREHENSIVE URBAN
REHABILITATION AND BUILDING
MINIMUM STANDARDS***

DIVISION 1. GENERALLY

Sec. 10-316. Title.

This article is, and may be cited as, the "Houston Comprehensive Urban Rehabilitation and Building Minimum Standards Code."
(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-317. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means approved by the building official for the purposes of this article. Approvals under this article shall be issued in the same manner as provided in the Building Code.

Balcony means a landing or porch projecting from the wall of a building that serves as a required exit.

Basement means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a first story if the floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.

***Editor's note**—Ord. No. 93-1570, § 1, adopted Dec. 8, 1993, repealed former art. IX, §§ 10-326—10-347, which pertained to dangerous buildings, and enacted a new art. IX to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

Section 4 of said Ord. No. 93-1570 read as follows:

"The provisions of Section 1 of this Ordinance, wherein the Building and Standards Commission of the City of Houston is reorganized, shall not be construed to remove any regular or alternate member of such commission heretofore appointed by the Mayor and confirmed by the City Council; instead, such members of the commission as it existed on the date of passage of this Ordinance shall have their membership transfer according to their odd or even numbered position to any of the other four commission panels as created in Section 1 of this Ordinance."